

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,)
Plaintiffs,) CIVIL ACTION FILE
vs.) NO. 1:17-CV-2989-AT
BRAD RAFFENSPERGER, ET AL.,)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF
MICHAEL IAN SHAMOS, PH.D., J.D.

July 19, 2019

9:16 a.m.

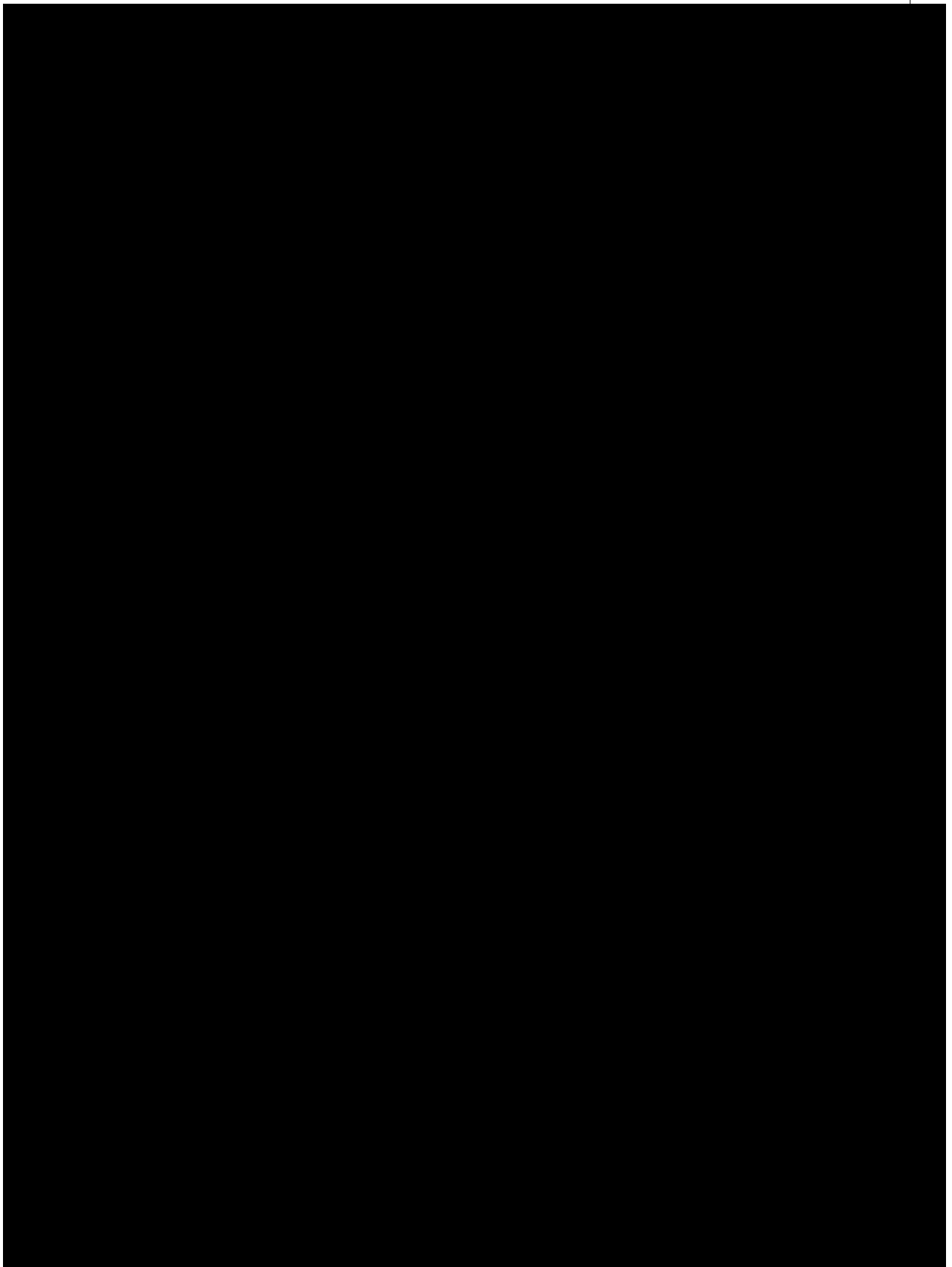
Ross Alloy Belinfante Littlefield, LLC
500 14th Street N.W.
Atlanta, Georgia

Robin K. Ferrill, CCR-B-1936, RPR

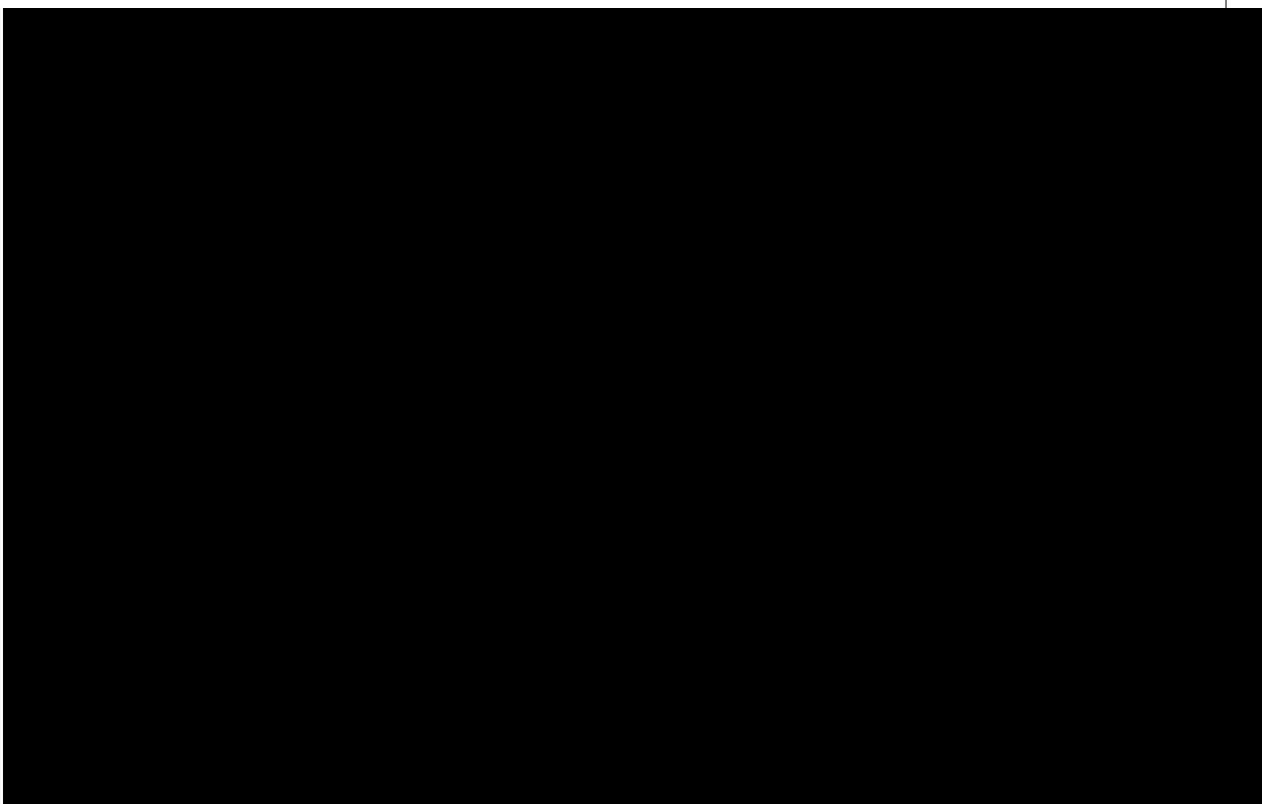
PAGES 1 - 217

Page 1

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Q. But you agree -- you said you are not a fan of the bar codes. You agree that if a BMD is going to be used, the more reliable approach is one that is readable by the human voter, and that what's going to get tallied is what they can actually read themselves; is that fair?

MR. RUSSO: Objection. This is outside the scope of his declaration.

A. Yes, I agree.

Q. (By Mr. Cross) Thank you.

On paragraph 52, again, the last sentence reads, "A BMD never makes a mark that would not constitute a vote." Do you see that?

1 Q. All right. Take a look at paragraph 106.

2 A. Yes.

3 Q. You wrote here, "If the Russians want to
4 skew Georgia's elections" -- do you see where I am at
5 the end?

6 A. Yes.

7 Q. -- "it would be much easier for them to do
8 so by bringing" -- or sorry, "by bribing insiders to
9 tamper with paper ballots, particularly absentee
10 ballots, than to mount sophisticated cyberattacks for
11 which there is no realistic penetration factor." Do
12 you see that?

13 A. Yes.

14 Q. But as we talked about before, Russians
15 could also just bribe insiders to tamper with DREs,
16 such as swapping out memory cards, right?

17 A. They could.

18 Q. That would be a realistic penetration
19 factor with the current system, right?

20 A. Yes.

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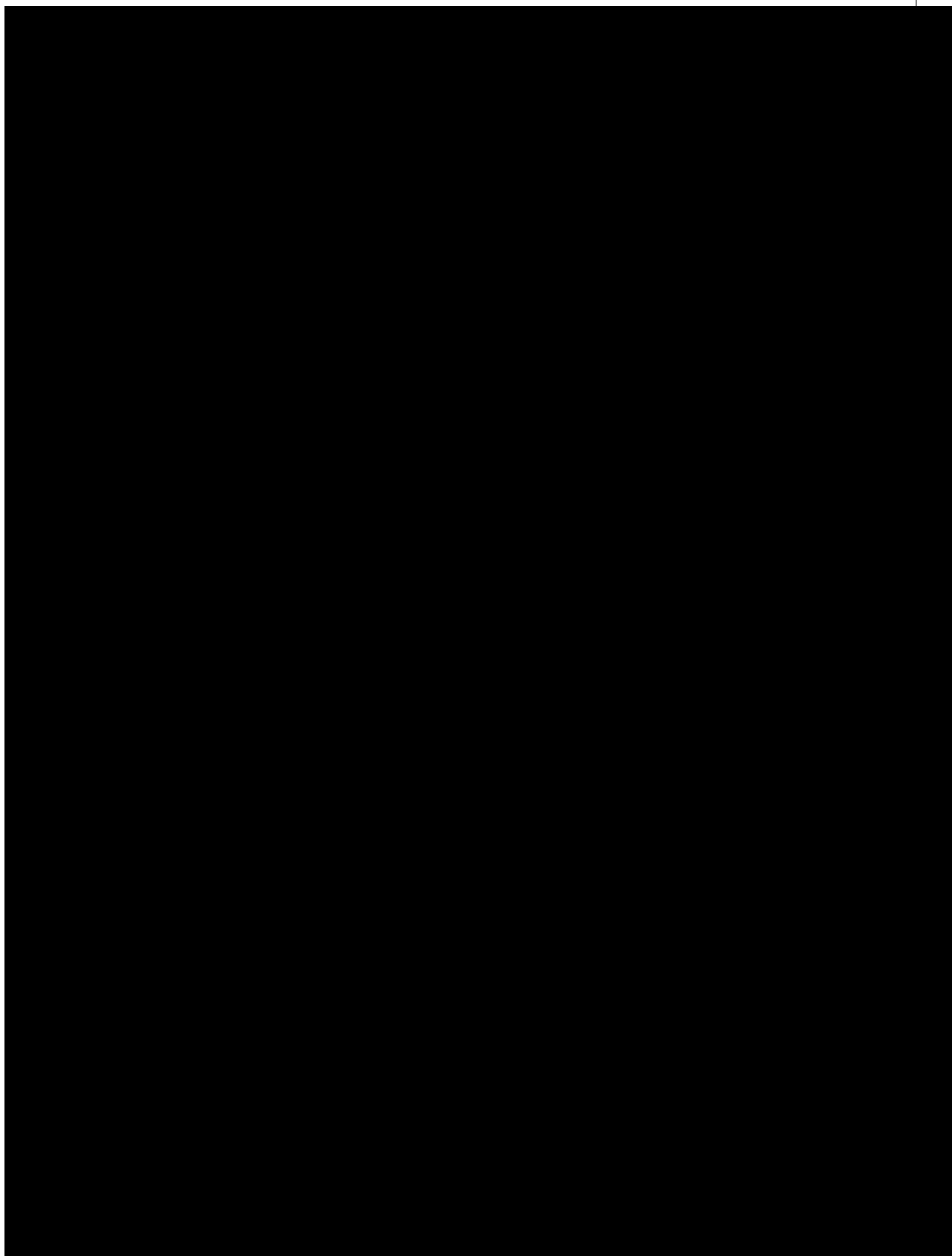
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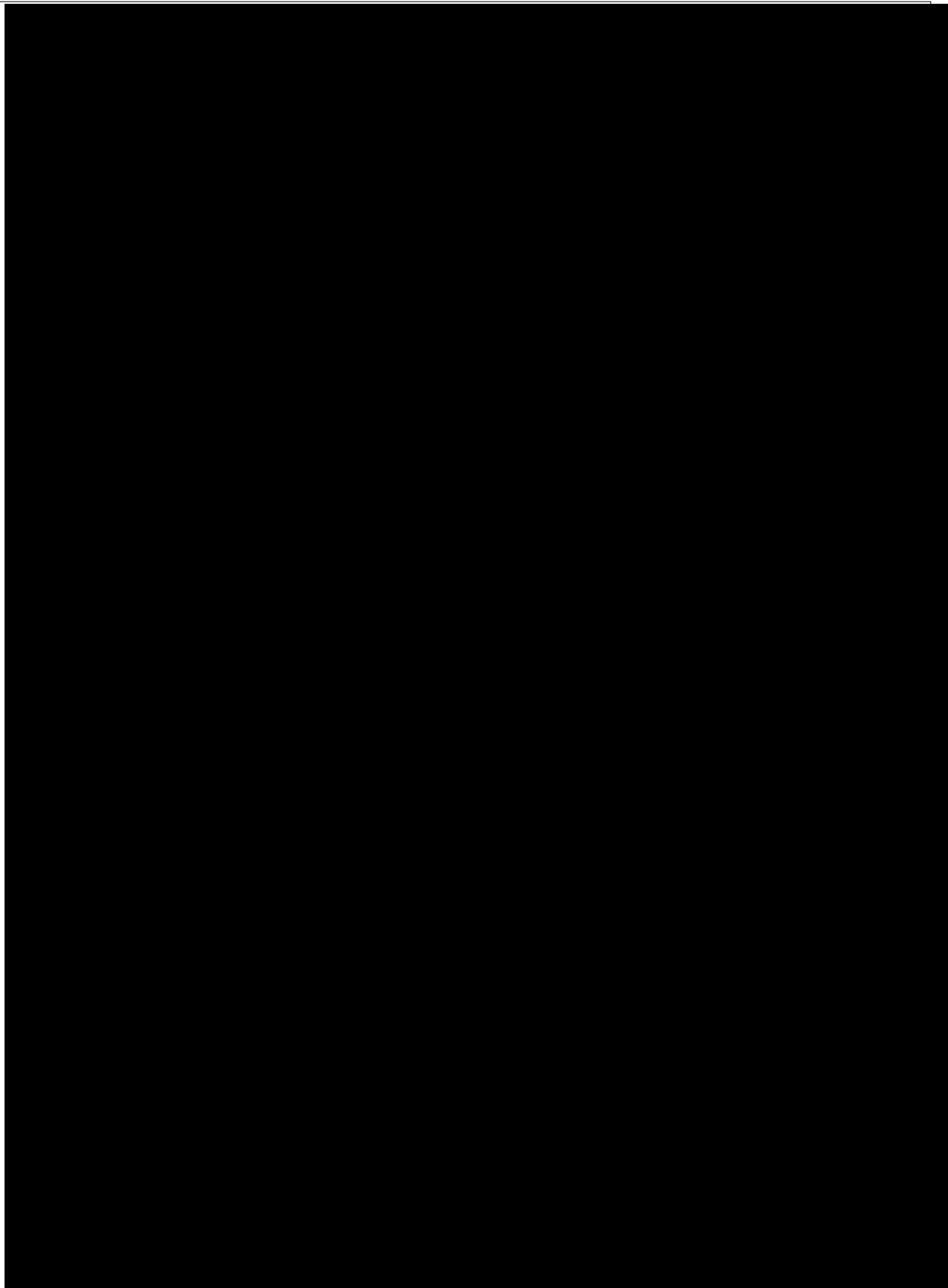
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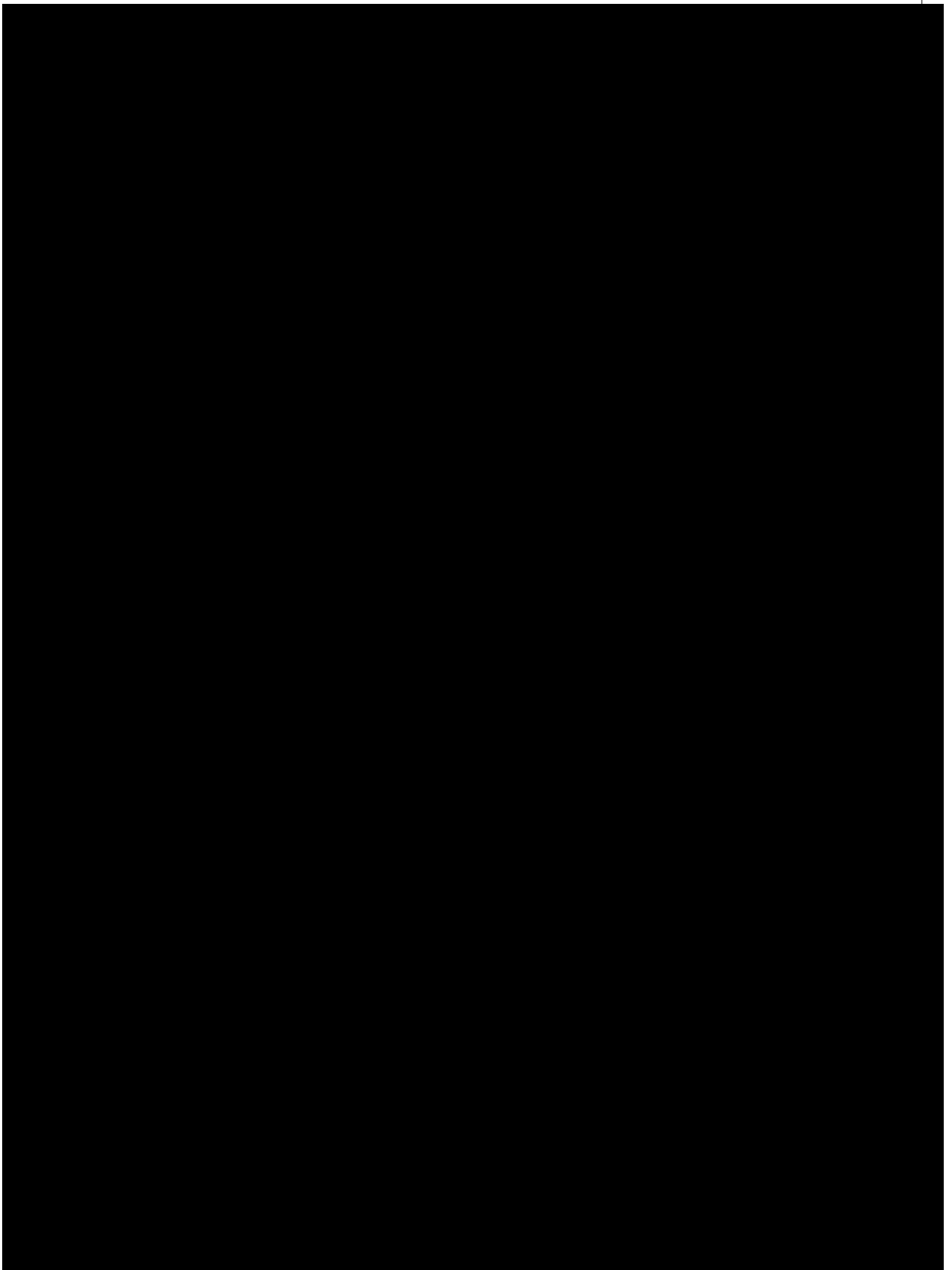
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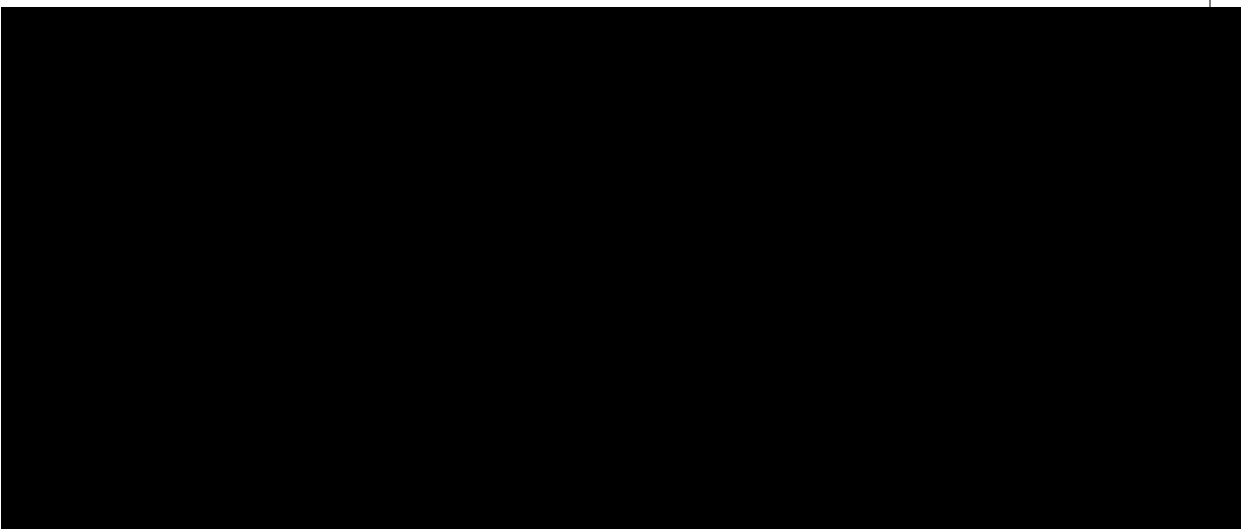
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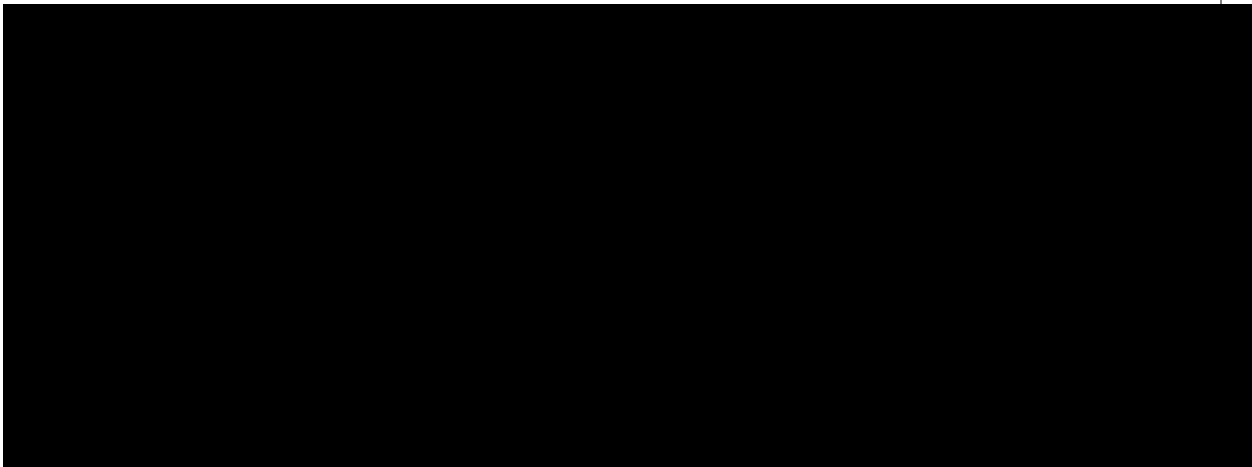


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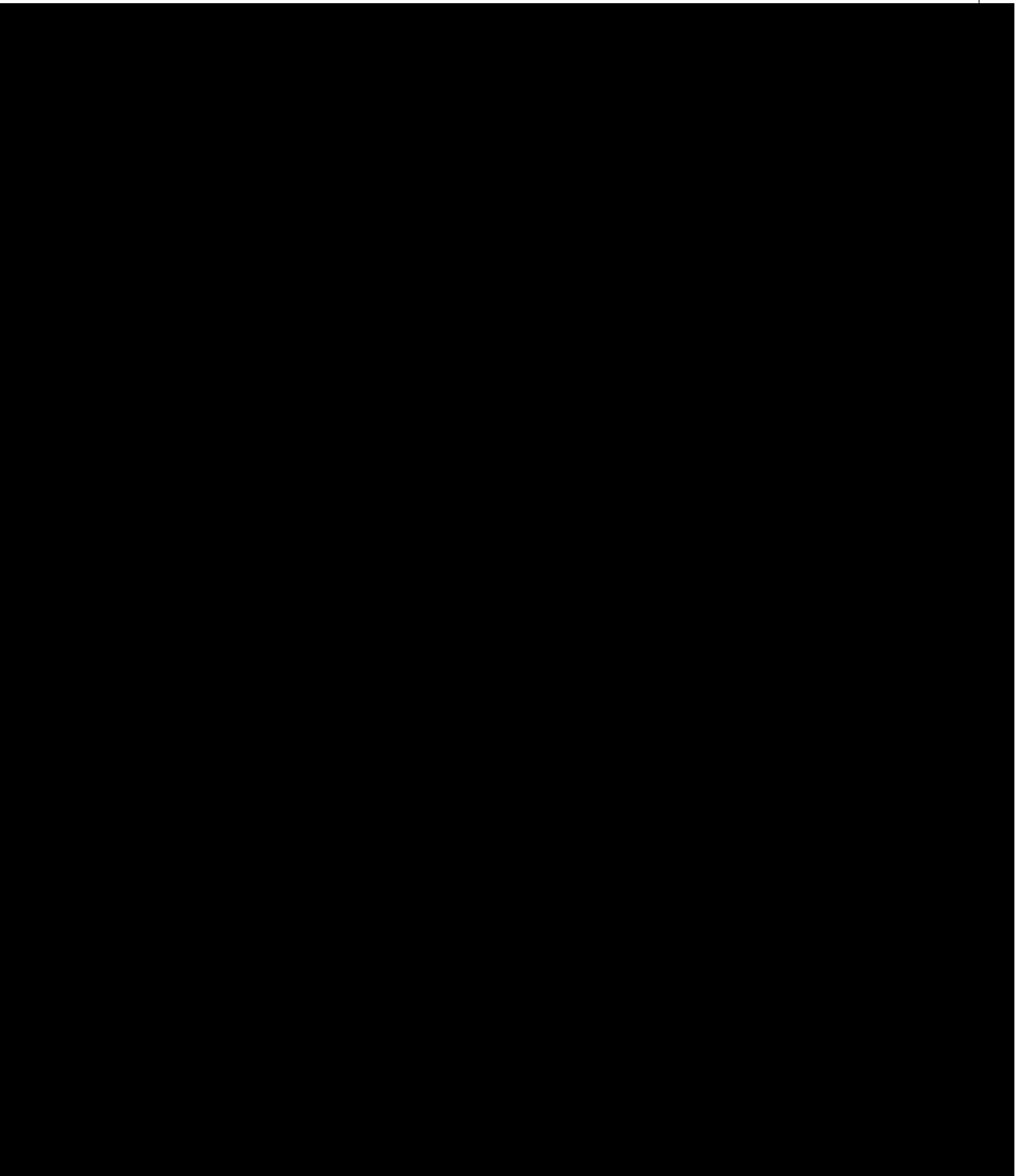
Q. You also understand that by infecting only a relatively small number of DREs, that could affect the outcome of an election, right?

A. It can affect close elections, yes. Of course, you never know in advance which ones are really going to be close.



Q. So you have got a state-wide election in which about 4 million voters have voted, and the leading candidate is ahead by, say, almost 20,000 votes.

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Q. And then in paragraph 98, you go on to say,
"In proper parallel testing, officials select a
precinct at random and designate a machine to be

1 voted on, but its votes will not be counted in the
2 election." Do you see that?

3 A. Yes, I think this -- I think this was
4 misunderstood because I didn't phrase it correctly.
5 It's not one precinct in the whole state; you could
6 certainly do this in every county.

7 Q. So this should be done in every county?

8 A. Yes. And in big counties, you would pick
9 more than one precinct.

10 Q. So a big county like Fulton, for example,
11 how many precincts would you suggest?

12 A. I don't know. That's a statistical matter
13 to figure out what the right number would be.

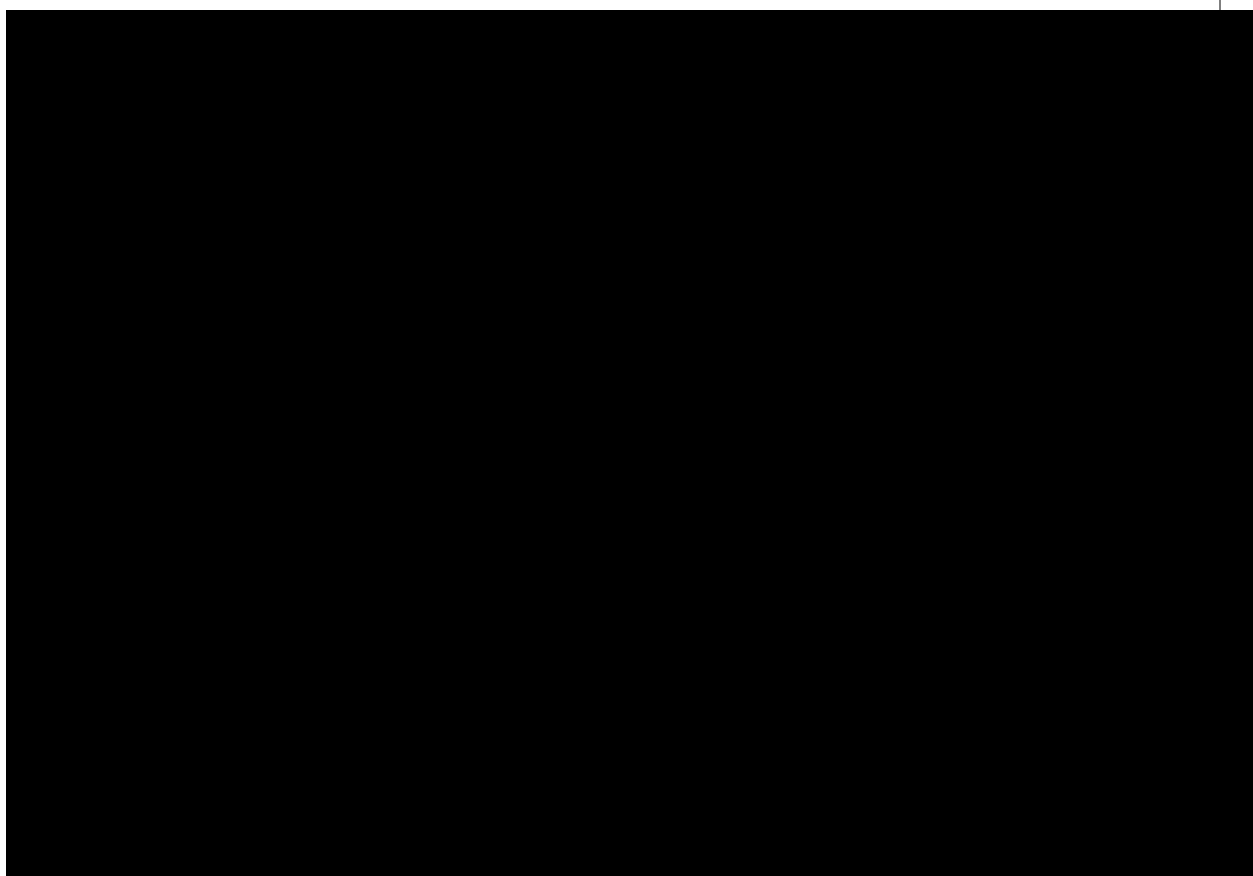
14 Q. But you would expect someone with
15 statistical expertise to figure out an appropriate
16 statistical number of machines for the parallel
17 testing?

18 A. Yes.

19 Q. Do you understand that Georgia currently
20 does parallel testing on a single DRE out of all
21 27,000 --

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THE WITNESS: I don't mind. I'm given to understand that the process you outlined is what -- is the process followed in Georgia. I castigate Georgia for not following my recommendations on how parallel testing should be done.

Q. (By Mr. Cross) And you would agree that nothing can be reliably concluded about the reliability of DREs across the state, the 27,000 DREs in the state-wide election, or even across county or municipal elections, based on parallel testing of a single DRE. We agree on that, right?

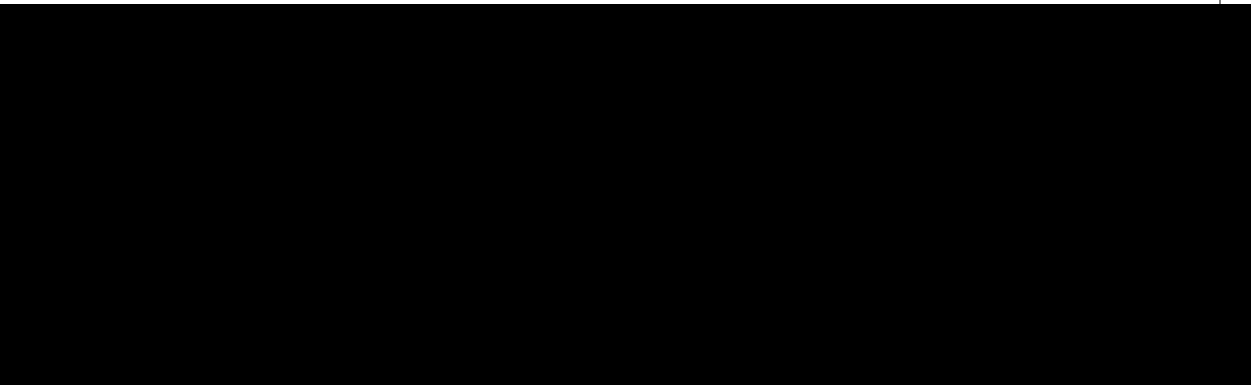
1 A. The only thing a parallel testing on a
2 single DRE will reveal is whether all of the voting
3 machines in the state have been infected, because
4 then the machine being tested would also have been
5 infected.

6 Q. Right. The only way you could have any
7 confidence that the machine you have indicates
8 anything about the reliability of the 27,000, is if
9 all 27,000 are affected?

10 A. Yes, I don't have confidence in a procedure
11 which selects one machine out of 27,000.

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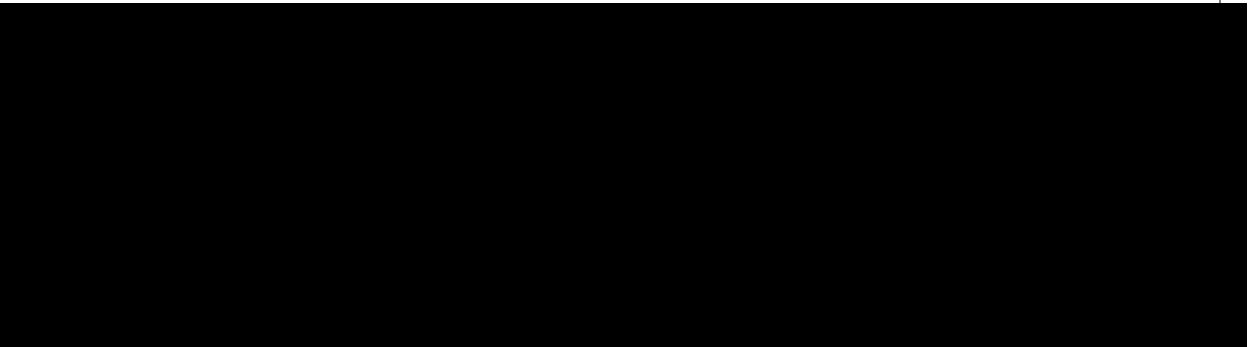


time ago." You indicate, "I was an examiner from Pennsylvania in 2006 when the exploit was discovered. When I learned of it, I persuaded the Pennsylvania Secretary of the Commonwealth to threaten Diebold with decertification unless the vulnerability was remediated before the next election. Diebold did so and demonstrated the repair to the satisfaction of the secretary." Do you see that?

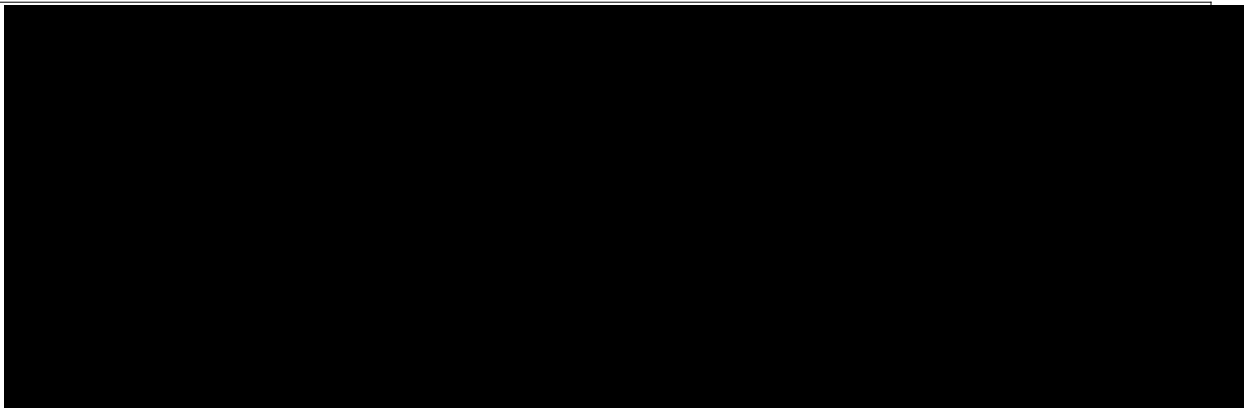
A. Yes.

Q. And you previously characterized this particular vulnerability as, quote, one of the most severe security flaws ever discovered in a voting system. Do you remember that?

A. Up to 2006, yes.

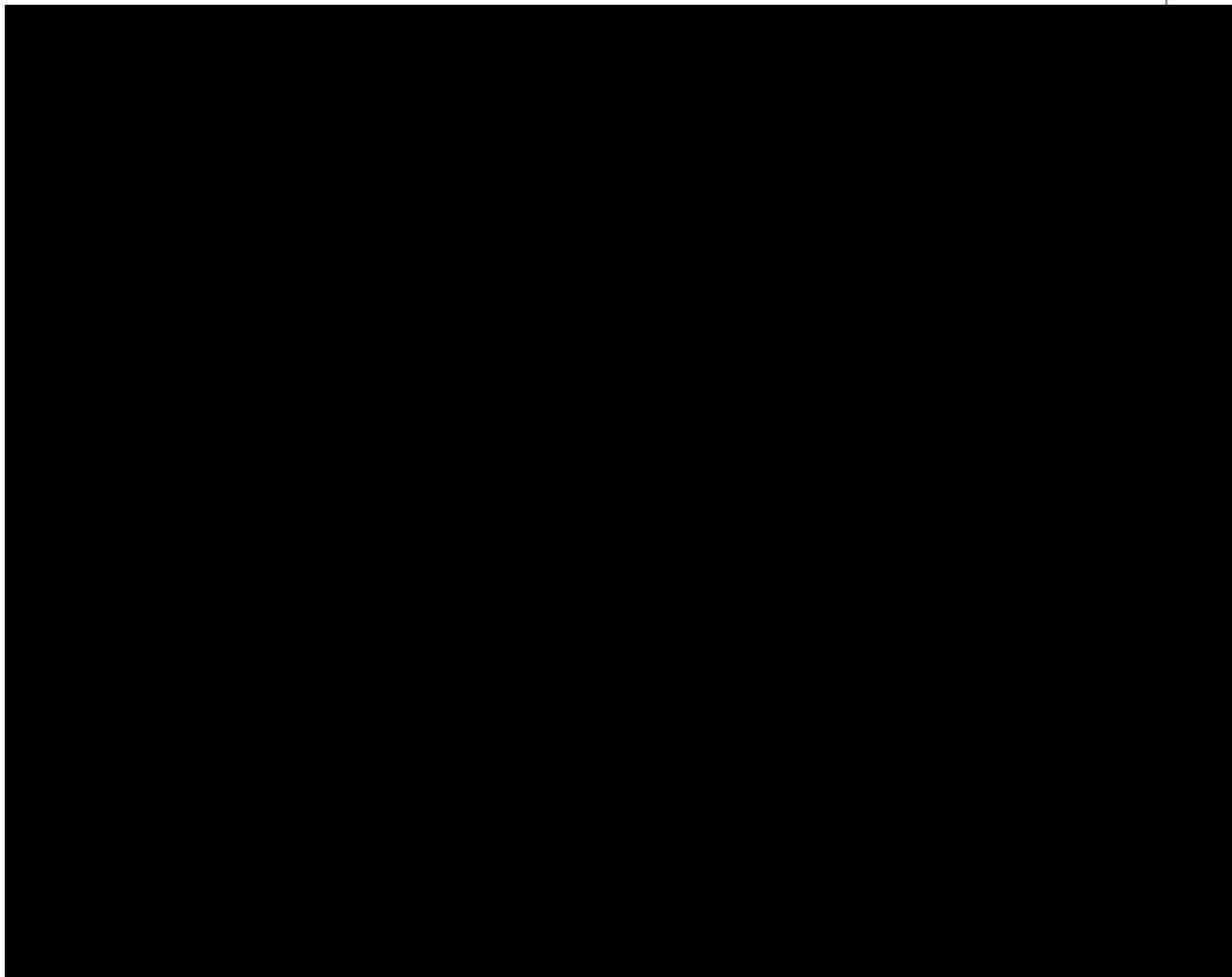


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So today you have a view that there are more serious flaws that have been discovered with DREs?

A. I think so.



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Q. But there's no evidence, that we have seen, that Georgia implemented the patch with remediation that you describe in paragraph 74 -- or, sorry, paragraph 75 for the -- for what you characterize as the most severe security flaw ever as of 2006, right?

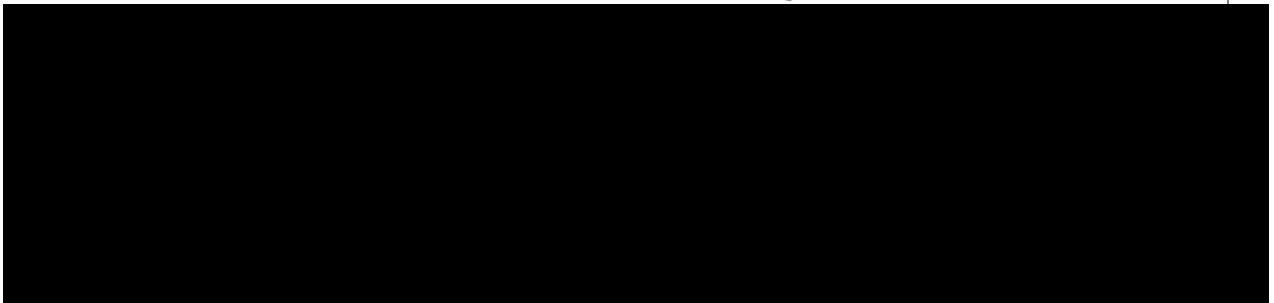
A. As I say, I don't know.

Q. You didn't ask anyone that for your opinions, right?

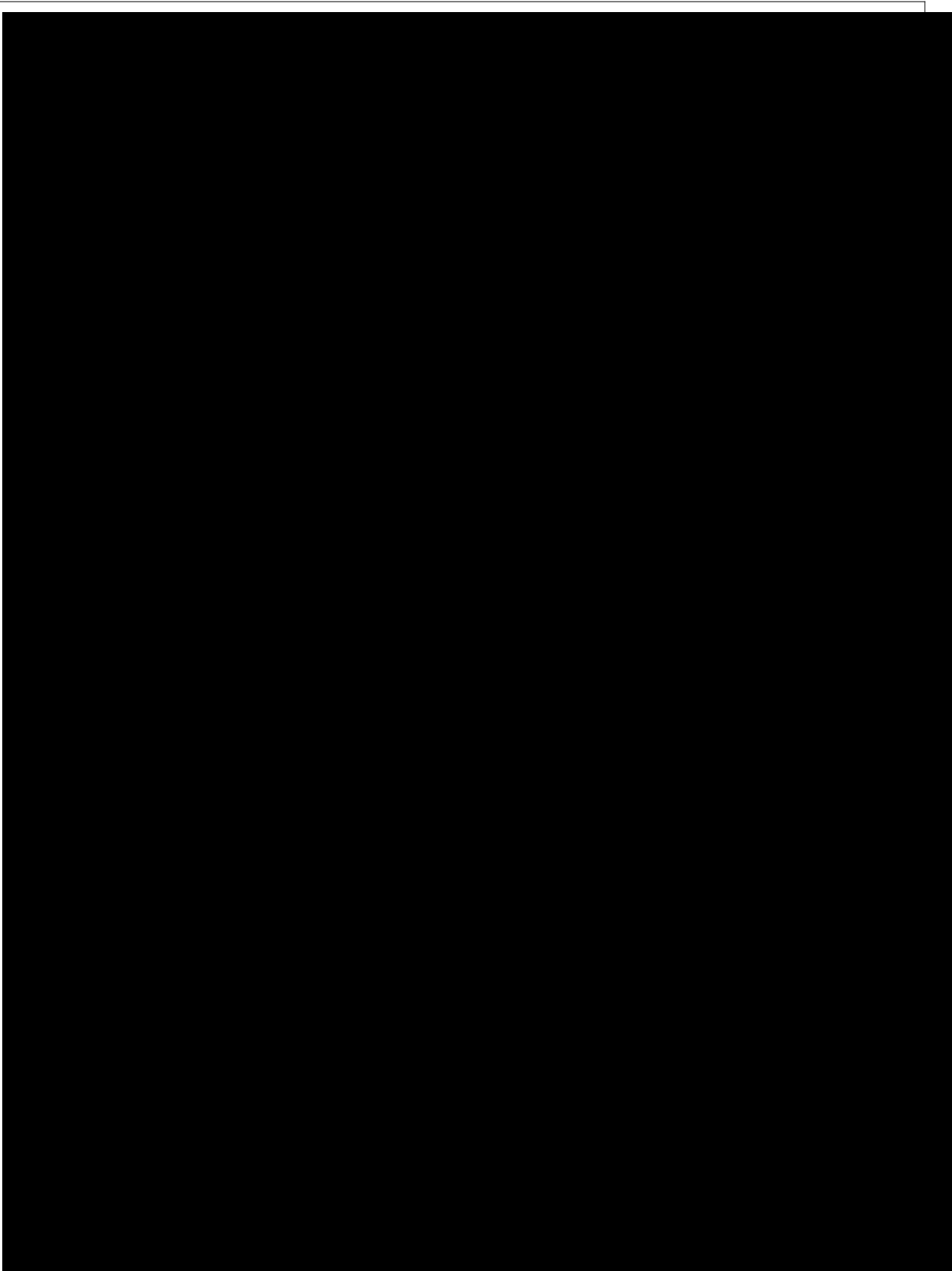
A. No.

Q. And do I understand correctly, that if the current software running in Georgia dates back to 2004/2005, and they didn't implement any patches after that time, we can infer that the remediation did not occur in Georgia, right?

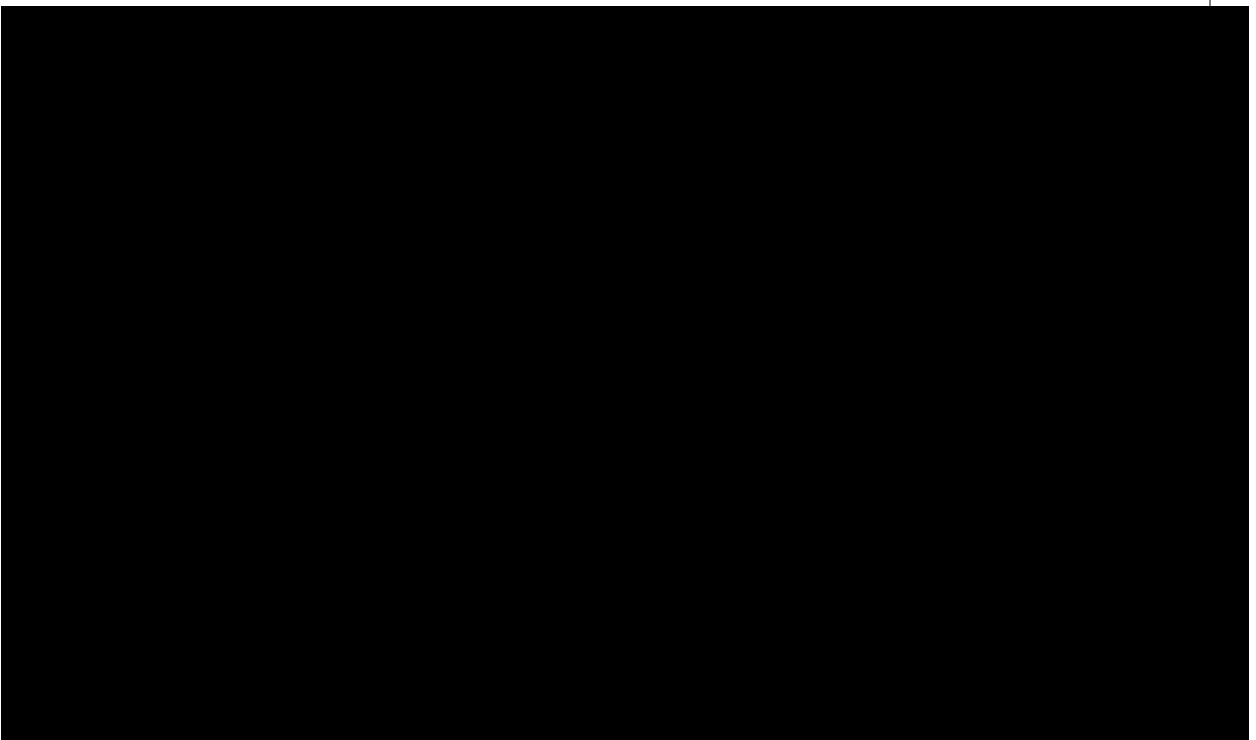
A. Yes, we can infer that. And it should be done before the machines are used again.



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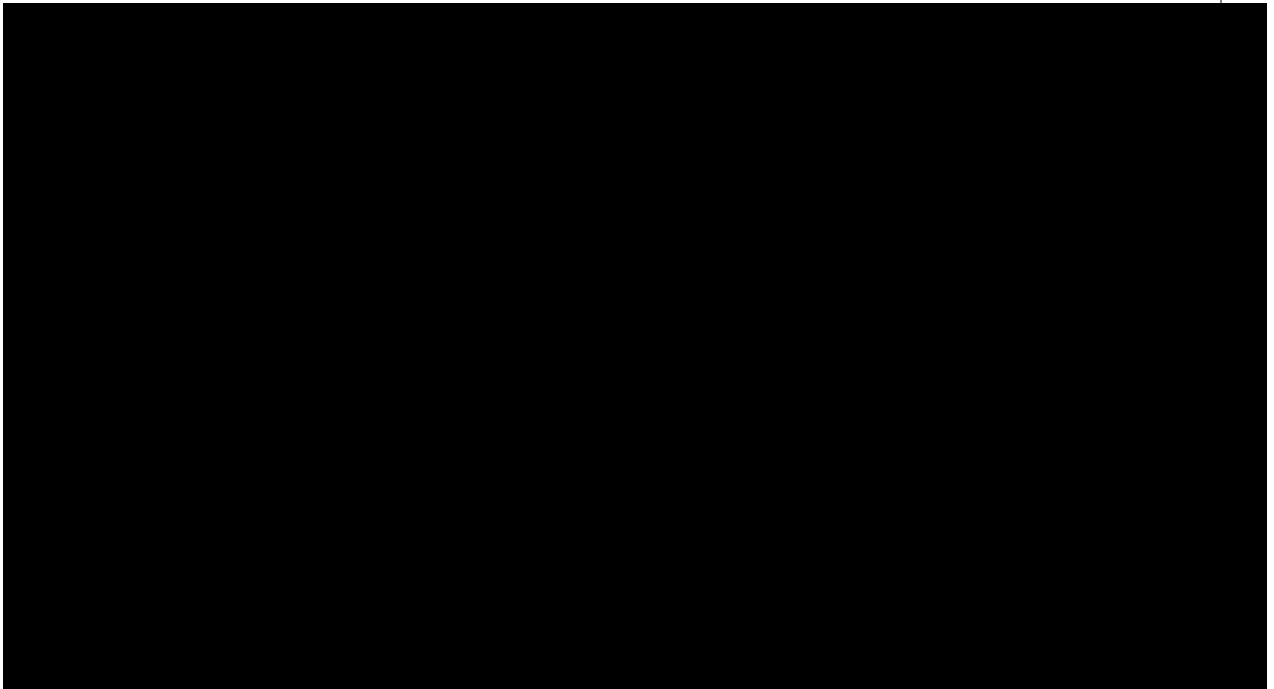


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Q. I got you. So -- and, obviously, if malware ends up on the memory cards, it can be propagated between GEMs and the DREs.

A. Yes.



C E R T I F I C A T E

STATE OF GEORGIA)

) ss.:

FULTON COUNTY)

I, Robin Ferrill, Certified Court Reporter
within the State of Georgia, do hereby certify:

That MICHAEL IAN SHAMOS, Ph.D., J.D., the
witness whose deposition is hereinbefore set forth,
was duly sworn by me and that such deposition is a
true record of the testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage; and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 20th day of July, 2019.



ROBIN K. FERRILL, RPR